



(Ireland.)

A

B I L L

To make further Provisions in relation to
certain Offices in the Court of Chancery in
Ireland.

[Note.—The Words and Clause printed in *Italics* are proposed to
be inserted in the Committee.]

- W**H **H**E **R**E **A**S by an Act passed in the fourth and fifth years
of the reign of his late Majesty, intituled, "An Act to alter,
amend and consolidate the Laws for regulating the Pensions, Com-
pensations and Allowances to be made to Persons in respect of their
having held Civil Offices in his Majesty's Service," it is enacted, "that
5 "the Superannuation Allowances authorized by that Act should extend
"to all such civil offices and departments as were set forth and enu-
"merated in the Schedule to that Act annexed; and that it should be
"lawful for the Commissioners of his Majesty's Treasury, by any order
10 "or warrant under the hands of any Three or more of them, to add to
"the list of offices and departments enumerated in the said Schedule
"any other offices which then existed, or might thereafter be created or
"established, and to place the same, and the officers and persons em-
"ployed therein, under the provisions of that Act;" and a power was
15 thereby given to the Commissioners of his Majesty's Treasury, in case
it should appear to them that any special circumstances afforded to
any officer or clerk in the several offices or departments mentioned in
the Schedule to the Act, or in the addition authorized to be made
thereto, a just claim to an amount of Superannuation Allowance
20 not authorized by the Act, or exceeding the amount therein specified
with reference to the length of his services, to grant, or give authority
for granting, any special superannuation which such officer or clerk
should appear to them to deserve; and it was further provided and
193. A enacted,

Preamble.
4 & 5 W. 4,
c. 24.

enacted, "that nothing in that Act contained should authorize the adding
 "to such list any officers in any of his Majesty's Courts at Westminster
 "or Dublin, or any other his Majesty's Courts of Justice elsewhere :"

7 W. 4 &
 1 Vict. c. 30,
 s. 21.

And whereas by an Act passed in the Session of Parliament held in
 the seventh year of his late Majesty, and in the first year of the reign
 of Her present Majesty, intituled, "An Act to abolish certain Offices
 in the Superior Courts of Common Law, and to make Provision for a
 more effective and uniform Establishment of Offices in those Courts ;"
 the provisions of the said Act of the fourth and fifth years of the reign
 of his said late Majesty, so far as relates to Superannuation Allowance,
 were applied in the manner therein mentioned, to all Officers, Clerks
 and Messengers of the Superior Courts at Westminster :

3 & 6 W. 4,
 c. 42.

And whereas by an Act passed in the fifth and sixth years of his late
 Majesty King WILLIAM the Fourth, intituled, "An Act to authorize
 the granting of Superannuation Allowances to the Commissioners and
 Officers of the Courts for the Relief of Insolvent Debtors in Dublin,"
 similar provisions are made for granting a Superannuation Allowance
 to the Officers of the Court for the Relief of Insolvent Debtors in
 Ireland :

And whereas no provision has been made for granting any Super-
 annuation Allowance to the Officers of the Court of Chancery in Ire-
 land ; and it is expedient to provide for the same ;

1.
 Commissioners of the
 Treasury em-
 powered to
 grant Super-
 annuation
 Allowances
 to Officers
 and Clerks of
 the Court of
 Chancery in
 Ireland ;

BE it therefore Enacted, by The QUEEN's most Excellent
 MAJESTY, by and with the Advice and Consent of the Lords, Spiritual
 and Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, THAT from and after the passing
 of this Act every Officer or Clerk of Her Majesty's Court of Chancery
 in Ireland who shall resign his office or situation with the sanction or
 under the authority of the Lord Chancellor, in consequence of his being
 incapable, from infirmity of mind or body, to discharge the duties
 thereof, shall be entitled to receive such superannuation allowance as
 the Commissioners of Her Majesty's Treasury of the United King-
 dom of Great Britain and Ireland shall think proper to direct ;
 and in ascertaining and awarding the amount of such superannua-
 tion allowance, the Commissioners shall take into consideration
 the whole period during which any such person shall have been per-
 manently employed in any office or situation in the said Court, or in
 any other public office or situation, prior to the passing of this Act ;
 and shall proceed according to the principles laid down by and the
 provisions contained in the said Act passed in the fourth and fifth
 years of his said late Majesty, intituled, "An Act to alter, amend
 and consolidate the Laws for regulating the Pensions, Compensa-
 tions and Allowances to be made to the Persons in respect of
 their

according to
 the provisions
 of 4 & 5 W. 4,
 c. 24 ;

charged upon
the "Compensation
Fund," and
the "Suits' For
Fund,"
and, in case of
a deficiency,
upon the Con-
solidated Fund.

their having held Civil Offices in His Majesty's Service;" and all such sums and allowances as shall be so awarded and granted under the authority aforesaid, shall be paid and payable out of and charged and chargeable upon the funds standing to the respective credits of the accounts called "*An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland,*" and "*The Suitors' Fee Fund Account,*" or either of them; and in the event of the said funds being insufficient to pay such sums and allowances, and the other charges payable thereout, then and in such case such sums and allowances, or so much thereof as the said funds shall be insufficient to pay, shall be paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and the said Commissioners of Her Majesty's Treasury, or any Three or more of them, are hereby authorized and required to direct the same to be so charged and paid accordingly: Provided always, That no such Officer or Clerk heretofore appointed shall receive any superannuation allowance by virtue of this Act, unless, within Three calendar Months from the passing of this Act, he shall signify, in writing under his hand, to the Lord Chancellor or Master of the Rolls, to be transmitted to the Commissioners of Her Majesty's Treasury, his assent to such abatement from his salary and emoluments as is hereinafter mentioned: Provided also, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them, or such person or persons as they may appoint for that purpose, from time to time to inquire, and receive evidence on oath, or otherwise, touching the salaries, fees, emoluments, duties, disbursements and expenses of all or any of the Clerks or Officers of the said Court, or of the Offices in which such Clerks or Officers shall act.

2.
Annual abate-
ment to be
made from the
Salaries and
Emoluments of
each Officer
and Clerk.

And be it Enacted, That from and after the passing of this Act there shall be an annual abatement made, in quarterly proportions, from the amount of the salaries and emoluments, for the time being, of each such Officer or Clerk of the said Court of Chancery in Ireland, who shall hereafter be appointed, or who shall signify such consent as aforesaid, which abatement shall be made and appropriated in such manner and under such directions as shall from time to time be prescribed by the Commissioners of Her Majesty's Treasury, and the amount of which said several abatements shall be according to the respective rates following, (that is to say)

From salaries and emoluments not exceeding the annual sum of One hundred Pounds, an abatement after the rate of Two Pounds Ten Shillings per centum:

And from salaries and emoluments exceeding One hundred Pounds, Five Pounds per centum.

3-
Provision for
the appoint-
ment of Two
additional
Clerks to the
Accountant-
General's
Office, and
for the Scale
of the Salaries
of the Clerks
in that Office;
one of such
Clerks not to
be entitled to
Compensation
in case of
removal.

AND whereas by reason of the increase of business in the office of the Accountant General of the Court of Chancery in Ireland, it is necessary and expedient to make further provision for the public service in the said office, and for the salaries of the officers therein; BE it Enacted, That the salary of the First Clerk in the office of Accountant-General of the said Court of Chancery, shall be hereafter the sum of per annum; and the salary of the Second Clerk, the sum of per annum; and the salary of the Third Clerk, per annum; and the salary of the Fourth Clerk, who is to be appointed under this Act, shall be per annum; and of the Fifth Clerk to be also so appointed,

per annum, and that such increased salaries of the first, second and third clerks, and the salaries of the fourth and fifth clerks, shall be paid as hereinafter mentioned; and that the Lord Chancellor shall appoint Two fit persons to be such fourth and fifth clerks; and that after the passing of this Act, upon the death, resignation or removal of any of the clerks in the said office, other than the Junior Clerk, the vacancy thereby occasioned, shall be filled up by the clerk next in seniority, to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and that in all future vacancies in the office of Junior Clerk, the Lord Chancellor shall appoint some proper person to be such Junior Clerk: Provided always, That in case it shall at any time or times hereafter appear to the Lord High Chancellor of Ireland, that such fifth Clerk shall not be necessary in the said office, it shall be lawful for the said Lord Chancellor to discontinue, such fifth Clerk, and afterwards, if it shall appear necessary so to do, to appoint a fifth Clerk in the said office; and so from time to time, according as such fifth Clerk shall or shall not be required; and no person who shall act as such fifth Clerk, shall be entitled to compensation for such discontinuance.

4-
One of the
additional
Clerks to be
paid out of
the Salary of
the present
Accountant
General.

AND whereas the present Accountant General of the said Court is willing and has offered to defray the salary of such fifth Clerk out of the salary to which he is entitled as such Accountant General, so long as he shall hold his office of Accountant General of the said Court; BE it Enacted, That so long as the said present Accountant General shall hold his said office, there shall be deducted out of the salary to which he is so entitled, the said salary of *One hundred Pounds* per annum, payable under this Act to the said fifth Clerk; and the same shall be paid over to such fifth Clerk by the person or persons, and out of the funds, by whom and out of which the said salary of the said Accountant General is or shall be payable.

5-
Form of
Powers of
Attorney to

And he it Enacted, That printed forms of Powers of Attorney shall be kept in the Accountant General's office, and that in every case in which

which any party shall be desirous of having a Power of Attorney to authorize a transfer or payment of any stock or cash standing in the Accountant General's books to be made to any person or persons as the attorney or attorneys of any other person or persons, one of the clerks in the office shall, if such party shall require it, but not otherwise, fill up and prepare for execution one of such forms; and such fee as the Lord Chancellor of Ireland shall from time to time direct by any general order, not being more than *Five Shillings*, nor less than *Two Shillings and Sixpence*, shall be paid for every such Power of Attorney, and for filling up and preparing the same for execution; and that such fee as the Lord Chancellor shall from time to time direct by any general order, not more than *Two Shillings and Sixpence*, nor less than *One Shilling*, shall be paid for every certificate required from the Accountant General of the amount of the funds standing in his books to the credit of any cause or matter; and that the said Accountant General shall cause an account to be kept of all such fees, and also of the fees now payable for copies of accounts, and shall thereout pay to the first Clerk so much as with his present salary shall make up the sum of *Four hundred Pounds* per annum, and to the second Clerk so much as with his present salary shall make up the sum of *One hundred and Thirty Pounds* per annum, and to the third Clerk so much as with his present salary shall make up the sum of *One hundred and Twenty Pounds* per annum, and shall pay the said salary of the fourth Clerk; and also after the present Accountant General shall cease to hold the office of Accountant General, the said salary of the fifth Clerk; and also shall thereout pay the necessary and incidental expenses of the office to be allowed by the Lord Chancellor; and shall account on oath, once in every quarter, before one of the Masters of the said Court, for all fees and sums of money received and paid by him, and shall pay the balance thereof (if any) into the Bank of Ireland within *Fourteen Days* from the end of every quarter; and all such sums of money, when so paid in, shall be from time to time placed to the account of the "Suitors' Fee Fund Account;" and in case it shall appear by the said account that the fees received in any one quarter shall not be sufficient to pay the said salaries, and the incidental expenses of the said office, the deficiency shall be paid out of the monies standing to the credit of the "Suitors' Fee Fund Account;" and in case of a deficiency thereof, out of the said *Consolidated Fund*.

be supplied in the Accountant General's Office on payment of a certain Fee.

A Fee to be hereafter payable on Certificates from the Accountant General, certifying the Funds standing in his Books to the credit of a cause or matter.

And he it Enacted, That it shall be lawful for the Lord Chancellor, if he shall think fit, as often as any vacancy shall occur in the office of the chief Clerk, or any of the present Clerks in the Registrar's Office, to appoint to the office so vacant any of the present Clerks whom he may consider qualified to fill such vacant office, anything in the Act of the sixth and seventh years of the reign of his late

6,
Power to the Lord Chancellor, in the event of a vacancy in the office of Chief or other Clerk in the Registrar's Office, to fill such vacancy by

the appointment of one of the Clerks of the said office; such Clerk to have a Salary not exceeding the Salary prescribed for new-appointed Clerks by the 6 & 7 W. 4. c. 74.

Majesty contained to the contrary notwithstanding; and that upon any such appointment it shall and may be lawful to and for the Lord Chancellor, with the advice and assistance of the Master of the Rolls, to increase the salary of any of the present Clerks employed in the Registrar's Office, and who may be so appointed: Provided always, That such increased salary shall not exceed in amount the salary directed by the said Act to be paid to each future Clerk respectively to be appointed in the said office, according to the rank of such Clerk respectively.

7.
Power to the Lord Chancellor or Master of the Rolls that costs of certain proceedings in Lunacy and Minor matters may be advanced out of the Monies standing to the credit of the "Suitsors' Fee Fund Account," and to order repayment out of the property of Lunatic or Minor.

And be it Enacted, That it shall and may be lawful to and for the Lord Chancellor or the Master of the Rolls, in all causes and matters depending in the said Court, and also for the Lord Chancellor, being entrusted by virtue of the King's sign manual with the care and custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, in such matters of idiots, lunatics, and persons of unsound mind, in case the fund belonging to any minor or lunatic shall not at the time be sufficient for the purpose, to order, if he respectively shall think it expedient and proper so to do, that the costs of any proceedings ordered, by either of them respectively to be taken in causes in which a minor or lunatic may be a party, and, in minor or lunatic matters, for the benefit of any minor or lunatic, shall be advanced out of the monies standing to the credit of the "Suitsors' Fee Fund Account," and to order the repayment of any such sums out of the minor's or lunatic's property, when available for that purpose.

8.
Provision for the appointment of a Secretary to the Master of the Rolls; to be paid a Salary of 200*l.* out of the Fees payable on Petitions; such Salary to commence after the present Secretary of the Chancellor shall cease to hold office.

And be it Enacted, That there shall be a Secretary to the Master of the Rolls, and that the Master of the Rolls shall be at liberty from time to time to appoint a person to act as such secretary, and that in every case in which any application is intended to be made to the Master of the Rolls in any cause or matter, or other proceeding which by law or the practice of the Court ought to be made by petition, such application shall be addressed to the Master of the Rolls, and delivered to his Secretary, and that it shall be lawful for the said Secretary to receive for every fiat made by the Master of the Rolls on a petition preferred to him, the like fee as is now paid on any fiat made on a petition by the Lord Chancellor; and that during the continuance in office of the present Secretary of the Lord Chancellor, the Secretary of the Master of the Rolls shall account for and pay over to him all such fees as he shall receive; and that as soon as the present Secretary of the Lord Chancellor shall cease to act as such, the Secretary of the Master of the Rolls shall receive and have a salary of *Two hundred Pounds per annum*, to be paid as hereinafter mentioned, and shall receive all fees payable upon fiats made or petitions addressed to the Master of the Rolls,

Rolls, and shall account for the same on oath, once in every quarter, before one of the Masters of the said Court, and thereout retain the amount of his said salary, and shall pay the balance thereof into the Bank of Ireland within *Fourteen Days* from the end of every quarter; and all such sums as shall be so paid into the Bank of Ireland, shall be from time to time placed to the account of the "Suitors' Fee Fund Account;" and in case it shall appear by the said account, that the fees received in any one quarter shall not be sufficient to pay the said salary, the deficiency shall be paid out of the monies standing to the credit of the "Suitors' Fee Fund Account:" Provided always, That it shall be lawful for the Lord Chancellor to discharge or vary any order made by the Master of the Rolls on a petition presented to him, and that nothing herein contained shall be construed to abridge the right of the Lord Chancellor for the time being of directing that any petition presented to him to be moved before the Master of the Rolls.

And be it Enacted, That it shall be lawful for the Deputy Keeper of the Rolls to pay out of the fees received by him the following sums to the Housekeeper, Rolls Court Keeper, and to the Clerk for regulating the pleadings after they are copied and compared, and for removing the pleadings once a year from the inner office to the record room, in lieu of the sums now paid; (that is to say) to the said Clerk the sum of *per annum*, in lieu of the sum of *Twenty-six Pounds Free Shillings* per annum now payable to the Housekeeper, the sum of *per annum* in lieu of the sum of *Twenty-three Pounds One Shilling and Sixpence* per annum now payable, and to the Keeper of the New Rolls Court the sum of *per annum* in lieu of the sum of *Eight Pounds Eight Shillings*, now payable; such several sums to be payable quarterly, as the sums now payable are paid, and out of the same funds.

AND whereas Peter Lowe, Esquire, late Deputy Usher of the said Court, has claimed compensation for the loss alleged to have been sustained by him in respect of the said office, by the operation of the said Act of the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, and Thomas Quinan, Esquire, formerly Chief Examiner of the said Court, has claimed compensation in respect of the said office of Chief Examiner; BE it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them, to inquire, on oath or otherwise as to them shall seem fit, into the circumstances of the said claims or either of them, and to award to the said Peter Lowe and Thomas Quinan, or either of them, such compensation (if any) as to the said Commissioners of the Treasury, or any Three of them, shall appear just; and every such sum

9.
Provision for
payment of
Salaries of
Housekeeper,
Rolls Court
Keeper, and
Clerk for
regulating
Pleadings
after they are
copied and
compared.

10.
Commissioners of
the Treasury
empowered to
inquire into
the claims of
Peter Lowe
and Thomas
Quinan for
Compensation,
and to
award such
Compensation
(if any)
as to the
said Com-
missioners
shall appear
just.

as they shall so award shall be paid out of the same funds and in the same manner as the compensation to any officers named in the said Act of the sixth and seventh years of the reign of his said late Majesty are thereby directed to be paid.

11.
Power of
Lord Chan-
cellor under
this Act to
be exercised
by the Lord
Keeper or
Commis-
sioners of
the Great
Seal of
Ireland.

12.
Act may be
amended or
repealed.

And be it Enacted, That the powers and authorities given by this Act to the Lord Chancellor of Ireland entrusted as aforesaid shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Ireland for the time being entrusted as aforesaid.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Court of Chancery.

(Ireland.)

A

B I L L

To make further Provisions in relation to certain Offices in the Court of Chancery in Ireland.

(Prepared and brought in by
Mr. Attorney General for Ireland and
Lord Privy Seal, Mersey.)

Ordered, by The House of Commons, to be printed,
30 March 1841.

193.

Under 1 c5.